

Notice of Allowability	Application No.	Applicant(s)	
	10/826,708	OLM ET AL.	
	Examiner	Art Unit	
	Geraldine V Letscher	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-16-04.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

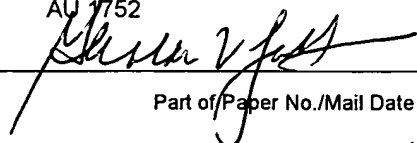
5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Geraldine V Letscher
 Primary Examiner
 AU 1752



Art Unit: 1752

Prior Art

1. The following prior art made of record and not relied upon is considered pertinent to applicants' disclosure: U.S. Patent No. 6,107,018; U.S. Patent No. 5,462,849; U.S. Patent No. 5,457,021; and U.S. Patent No. 5,360,712.

Each of the aforementioned references teaches the use of an iridium hexacoordination complex wherein at least half of the coordination sites are provided by halogen or pseudohalogen ligands.

Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter:

While the prior art of record would make obvious the photographic element comprising a support having coated thereon at least one silver halide emulsion having some of the features as claimed by applicants, i.e., comprising radiation-sensitive silver halide grains having a face centered cubic crystal lattice structure containing an iridium hexacoordination complex wherein at least half of the coordination sites are provided by halogen or pseudohalogen ligands, said art does not, in fact, disclose or teach the use of the inventive emulsion characterized in that at least one of the coordination sites of the iridium hexacoordination complex is provided by a ligand comprising a heterocyclic azole ring containing a chalcogen atom and a nitrogen atom, AND wherein the said azole ring is substituted at the 5-position with a halide ion.

Art Unit: 1752

Applicants have clearly demonstrated herein the examples in the specification that significant unexpected photographic advantages are achieved with respect to low intensity reciprocity failure as well as high intensity reciprocity failure. In summary, improved reciprocity performance with minimum or no adverse impact on other photographic parameters such as density (Dmin) and speed, is achieved with the iridium hexacoordination complex having (a) the halogen substituted in the 5-position versus the 2-position of the chalcogen-containing heterocyclic azole ring, and (b) having a halogen versus an alkyl group in the 5-position of the chalcogen-containing heterocyclic azole ring.

The Examiner is of the opinion that the inventive silver halide emulsion and use thereof in a photographic element, characterized in that said emulsion contains an iridium hexacoordination complex comprising at least one of the coordination site provided by a ligand comprising a heterocyclic azole ring containing a chalcogen atom and a nitrogen atom, AND wherein the said azole ring is substituted at the 5-position with a halide ion, is not anticipated by the prior art of record, would be unobvious to one of ordinary skill in the requisite art, and that their invention, as is now claimed, is patentably distinct over the closest prior art of record.

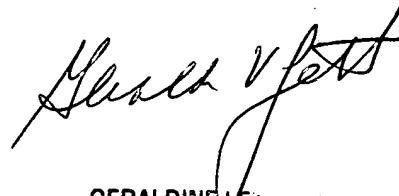
3. Claims 1-20 are allowed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geraldine V Letscher whose telephone number is (571) 272-1334. The examiner can normally be reached 7:30am to 4:00pm.

Art Unit: 1752

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (571) 272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GERALDINE LEISCHER
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GROUP 1100